

**REMARKS**

Claims 42-55 were pending  
Claims 42 and 49-44 are cancelled herein.  
Claims 43-48 are amended herein  
New claims 56-59 are added by amendment herein

Applicants acknowledge, with traverse, the restriction requirement applied to non-elected Groups II and III and the withdrawal by the Examiner of claims 49-55 . Accordingly, Applicants have requested the cancellation of Claims 49-55 herein without prejudice and reserve the right to present the subject matter of these claims in a divisional application.

In response to the Examiner's comments regarding Sequence Compliance, Applicants submit herewith a substitute copy in computer readable form which includes all of the sequences that are present in the instant Application and a substitute paper copy. Applicants respectfully request entry of the paper copy into the Specification by amendment herein. The requisite statement is submitted herewith indicating that the content of the computer readable form and the paper copy of the Sequence Listing are the same and no new matter has been added.

***Objections to the Specification***

Applicants also submit a substitute Specification wherein amendments are incorporated as required to reference corresponding SEQ ID NO: wherever a reference is

made to that sequence. In addition, the Specification has been amended such that existing Sequence IDs are in proper form. No new matter has been added in the substitute Specification.

Trademark designations in the substitute Specification are capitalized as required and are accompanied by generic terminology. Typographical errors noted by the Examiner on pages 67 and 69 have been corrected as required.

### ***Claim Objections***

The objection to Claim 43 for dependency from a canceled claim is obviated by the amendment of Claim 43 to independent form. Applicants wish to thank the Examiner for considering the claim as dependent from Claim 42 for the purpose of advancing the prosecution.

### ***Rejections under 37 C.F.R. §112***

The rejection of Claims 42 -48 as indefinite is obviated by the cancellation of claim 42 and amendments to claims 43-48 herein which more particularly point out and distinctly claim the invention. Claim 43 has been amended as suggested by the Examiner and claims 46-48 depend therefrom.

Claims 44 and 45 are directed to a "pharmaceutical composition" containing the compound of claim 43. They are amended herein in view of the cancellation of claim 42. Applicants maintain that the term "pharmaceutical composition" is clear to one skilled in the art.

The amendment herein to Claim 47 more particularly points out and distinctly claims the invention by amending "modified biological agent" to recite "prodrug". No new matter has been added. Such prodrugs in association with the compounds of the invention are found on page 8, lines 18-23 in the specification as filed. Prodrugs are defined on page 46, lines 11-14 in the specification as filed as inactivated chemical derivatives of biological agents.

With respect to the rejection of claim 48 under 35 U.S.C. §112, second paragraph, Applicants assert that the term "therapeutic agent" is clear to one skilled in the art and is clearly differentiated from the "prodrug" now recited in amended claim 47.

Applicants respectfully request that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn in view of the amendments and remarks herein.

### ***Rejection Under 35 U.S.C. §102***

In order to advance the prosecution of the present case, Applicants have cancelled claim 42. The rejection of Claim 42 as anticipated by Charonis et al. (WO8901493) is

obviated by the cancellation of the claim. Applicants point out, however that, in order to be anticipatory, a reference must describe "each and every element" with the condition that, "[t]he identical invention must be shown *in as complete detail* as is contained in the claim." *Richardson v. Suzuki Motor Company*, 9 USPQ 2d 1913, cited in MPEP 2131 (emphasis added). Charonis et al. do not describe their compounds as having the ability to specifically bind high affinity VEGF receptor 1 as recited in claim 42. Applicants reserve the right to rebut the Examiner's position in a continuing application.

### ***New Claims***

In accordance with Applicants election of the claims of group 1, new claims 56-59 encompass those peptide mutations disclosed in the application as filed on page 78, Table 14.

### ***Conclusion***

Applicants submit that the instant application as amended herein stands in condition for allowance. An early and favorable reply is earnestly solicited.

### ***Correspondence and Fees***

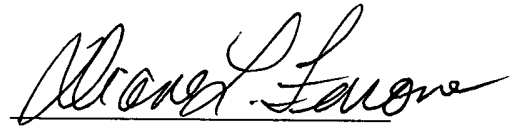
This response is accompanied by a petition for one month extension of time with the appropriate fees charged to Deposit Account 03-3839. No additional fees are believed to be necessitated by the instant response. However, should this be in error,

authorization is hereby given to charge Deposit Account no. 03-3839 for any underpayment, or to credit any overpayments.

Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Telephone calls should be made to Diane L. Ferrone at (973) 596-4879 and fax communications should be sent directly to her at (973) 639-6337.

Respectfully submitted,

Date: Feb. 21, 2003



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***Versions With Markings to Show Changes Made***

43. (Amended) [The] A compound [according to claim 1, wherein said compound] compris[es]ing an amino acid sequence selected from the group consisting of SEQ. ID. NO.:1, SEQ.ID.NO.:2, SEQ. ID. NO.:3, SEQ. ID. NO.:4, SEQ. ID. NO.:5, and SEQ. ID. NO.:7.

44. (Amended) A pharmaceutical composition comprising the compound of claim [42] ~~43~~ and a biological agent.

45. (Amended) A pharmaceutical composition comprising the compound of claim [42] ~~43~~ and a carrier.

46. (Amended) The [pharmaceutical] compound of claim [42] ~~43~~, wherein the compound further comprises a biological agent conjugated thereto to form a conjugate.

47. (Amended) The [pharmaceutical] compound of claim [42] ~~43~~ wherein the compound further comprises a [modified biological agent] pro-drug, conjugated thereto.

48. (Amended) The [pharmaceutical] compound of claim [42] ~~43~~, wherein a therapeutic agent is conjugated thereto.